

RECEIVED
CENTRAL FAX CENTER
MAR 16 2006

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 06551-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) A369-USA	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO at 571-273-8300 on <u>March 16, 2006</u> Signature <u>[Signature]</u> Typed or printed name <u>Oleh Zalac</u>		Application Number 10/821,023	Filed 4/7/2004
		First Named Inventor Jiang et al.	
		Art Unit 1775	Examiner Jason L. Savage
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96). <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>42130</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____		<u>[Signature]</u> Signature <u>Gary D. Schnittergrund</u> Typed or printed name <u>681-702-6814</u> Telephone number <u>3/10/2006</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

MAR 16 2006

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Jiang, et al.	Art Unit:	1775
Serial No.:	10/821,023	Examiner:	Jason L. Savage
Filed:	04/07/2004		
Docket No.:	A369-USA		
For:	Brazing Titanium to Stainless Steel Using Ti-Ni Filler Material		

VIA FACSIMILE 571-273-8300

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF

Dear Sir:

The first issue raised in this Pre-Appeal Brief is whether a reference, namely, U.S. Patent No. 6,722,002, hereinafter Chang, is a proper citation for an obviousness rejection of Claims 1-12 under 35 USC §103(a). It is applicants' contention that Chang fails to teach or even suggest the invention claimed by Applicants especially in view of the fact that Chang relates to non-analogous art.

The second issue is whether Claims 1-12 are properly rejected under 35 USC 103(a) over the admitted prior art in view of Chang.

Claims Rejections under 35 USC §103**Chang Fails to Teach the Invention**

Applicants arguments are presented in two Amendments that were submitted on October 3, 2005 and on February 9, 2006. Applicants believe that their arguments are consistent and repetitive to the extent that the objections raised in the two Office actions are consistent; therefore citations herein are limited

to the later filed Amendment of February 9, 2006.

Briefly, Chang teaches bonding stainless steel, titanium or a titanium alloy, and a Ni/Ti/Ni bonding composite. However, Chang teaches a bonding process totally different from and one not to be confused with the brazing process as taught by Applicants. Roll bonding and brazing are fundamentally two separate and distinctly different metallurgical processes, undertaken in different steps to provide different end products. More specifically, Chang teaches roll bonding of a layered composite that is bonded by virtue of the application of extremely high pressure to the combination of the parts to be bonded at a moderate temperature [that is, a temperature that is lower than that required for brazing]. Roll bonding is limited to simple shapes, such as flat sheets or plates of material, while brazing is applicable to complex geometry parts. In contrast to roll bonding, brazing, as taught by Applicants, results in a metallurgically joined product in which a braze foil diffuses by solid-state diffusion and thereby integrates into the other adjacent metals. [See the arguments at pages 2-4 of the Amendment of 2/9/06.]

Chang is non-analogous art in that it relates to bonding and therefore is not a source that one skilled in the art would search for brazing teachings. Further, Chang does not teach the invention of Applicants, he does not teach joining of stainless to titanium. In the Office action [at page 3, last paragraph] the Examiner concedes that Chang does not teach all of the elements of Applicants' invention.

Assuming arguendo that Chang may be considered one skilled in the art, Chang nevertheless conspicuously limited his teaching to exclude brazing stainless steel to titanium. One cannot claim that it is obvious to do that which Chang specifically did not do and which Chang did not teach. Chang avoided and taught away from brazing stainless to titanium with a laminate therebetween. [Amendment page 4, para 3].

Admitted Prior Art Objection over Chang

In the Amendment the admitted prior art is referred to as Jiang. As stated in the Amendment at page 5, the admitted prior art is silent to the filler material being a composite comprising at least one foil layer of nickel and one foil layer of

titanium. The admitted prior art does not teach an important aspect of the invention.

The admitted prior art adds no additional elements that could make obvious that which Chang taught away from.

Applicant argues that claim 1 is therefore allowable as submitted and that the dependent claims are allowable as further limitation on an allowable claim.

Respectfully submitted,

3/14/06

Date



Gary Schnittgrund
Attorney for Applicant
Reg. No. 42,130

The Alfred E. Mann Foundation for Scientific Research
PO Box 905
Valencia, California 91380-9005
(661) 702-6814
(661) 702-6710 (fax)